

# NOTICE OF INTENT

## Department of Health and Hospitals Office for Citizens with Developmental Disabilities

### Consumer Grievance Policy (LAC 48:IX.Chapter 11)

Notice is hereby given that the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, pursuant to the authority vested in it by R.S. 39:1554(D)(3) and R.S. 28:380-478, intends to adopt a rule in accordance with R.S. 49:950 et seq., to provide a mechanism for consumers of mental retardation/developmental disabilities services funded by the department to grieve the provision or circumstances of provision of those services. This rule is necessary to enable the office to be in conformity with R.S. 28:441(A)-(B).

#### **Title 48**

#### **PUBLIC HEALTH**

#### **Part IX. Mental Retardation Services and Developmental Disabilities Services**

#### **Chapter 11. Consumer Grievance Policy**

##### **§1101. Purpose**

The purpose of this policy is to provide a mechanism for consumers of mental retardation/developmental disabilities (MR/DD) services funded by the Department of Health and Hospitals to grieve the provision of or the circumstances of provision of service delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:441(A)-(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 22:

##### **§1103. Applicability**

This policy applies to all consumers receiving MR/DD services from providers/contractors of MR/DD services funded by the Department of Health and Hospitals. Consumers receiving MR/DD services funded by Medicaid shall access the remedies available through Medicaid, when an appealable action has been taken in regard to that consumer's receipt of service (such as a denial, termination or reduction of services when such action is the result of a decision by the Medicaid agency.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:441(A)-(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 22:

##### **§1105. Implementation**

This policy and any subsequent revisions shall become effective on the date signed by the assistant secretary of the Office for Citizens with Developmental Disabilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:441(A)-(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 22:

##### **§1107. Definitions**

*Administrator*—that person within any agency which provides MR/DD services who shall receive all grievances, notify appropriate authorities and provide for the conduct and documentation of all grievance processes within that agency, including the appointment of a consumer representative (unless waived by the consumer) who shall be available to represent the wishes of the consumer in bringing initial and further grievance actions as necessary. The administrator is responsible for the conduct of the grievance proceeding either personally or through designation. The administrator shall be the chief executive officer (or his/her designee) for providers/contractors of mental retardation/developmental disabilities (MR/DD) services or the facility administrator (or his/her designee) or the assistant secretary of the Office for Citizens with Developmental Disabilities (or his/her designee) for state agencies for internal grievance meetings; and the secretary of the Department of Health and Hospitals (or his/her designee) for informal (optional) grievance meetings or grievance hearings.

*Consumer*—an adult receiving an MR/DD service or his/her legally appointed representative or a person authorized to act on his/her behalf, or, in the case of a minor, the legally appointed representative.

*Consumer Representative*—that individual chosen by the consumer bringing the grievance, or appointed by the administrator of the agency against whom the grievance is being brought, to assist the consumer in the grievance process. This individual may be a legally appointed representative or the agency administrator or his/her designee to make volunteer or an employee of the agency or of the Department of Health and Hospitals. This individual must represent the wishes of the consumer. If the consumer either cannot or will not appoint a person to assist him/her in the grievance process, a consumer representative will be appointed by the agency providing the MR/DD service. The consumer of MR/DD services may then waive the right to a consumer representative by signing a statement or in some other way indicating a desire to waive that

assistance. In all cases in which a consumer representative is appointed by the agency, he/she shall have had experience in dealing with a population of persons who have similar characteristics to the consumer bringing the grievance. The consumer representative, in conjunction with the provider of services, will be responsible for ensuring the provision of all reasonable accommodations as appropriate to the particular needs of the consumer bringing the grievance action.

*Expedited Review*—the direct referral to a grievance hearing for grievances which involve actions or proposed actions which could affect the physical safety and/or well-being of consumers of MR/DD services. Actions which may justify an expedited review include, but are not limited to: involuntary discharges or transfers from or terminations or reduction of levels of services when such actions may affect the individual's physical safety and well-being. Expedited review and/or a "stay-put" order shall be granted at the discretion of the secretary of the Department of Health and Hospitals (or his/her designee) upon notification from the assistant secretary of the Office for Citizens with Developmental Disabilities (or his/her designee) upon notification from the agency administrator of the consumer's desire for an expedited review of a grievance involving actions or proposed actions referenced above.

*Grievable Action*—those events for which a consumer of MR/DD services may initiate a grievance, which may include, but are not limited to, denial, termination or diminution of service, involuntary transfer, involuntary discharge and/or failure to provide services appropriate to a consumer's needs. Actions related to services funded through Medicaid are subject to that agency's appeal process; if a consumer's grievance is defined by Medicaid as appropriate for appeal, it will be subject to a fair hearing process.

*Grievance*—a disagreement between a consumer of an MR/DD service and the provider of that service.

*Grievance Hearing*—the grievance process which involves, at a minimum, the consumer of a contested service and a consumer representative (unless waived) available to represent the wishes of the consumer, the provider of that service and a grievance officer appointed by the secretary of the Department of Health and Hospitals for the proceeding. This meeting is convened after an internal grievance meeting and/or an informal (optional) grievance meeting or an expedited review has been ordered by the secretary of the Department of Health and Hospitals (or his/her designee). This meeting results in a final decision.

*Grievance Officer*—that person appointed by the secretary of the Department of Health and Hospitals to ensure the impartiality and adequacy of the grievance hearing and to render a decision on the contested action.

*Informal (Optional) Grievance Meeting*—the grievance process which involves, at a minimum, the consumer of a contested service and a consumer representative (unless waived) available to assist the consumer, the provider of that service and a mediator appointed by the assistant secretary of the Office for Citizens with Developmental Disabilities (or his/her designee). This process is initiated after an attempt to resolve the issue at an internal grievance meeting has failed, and aims at successful mediation of the dispute without further recourse to the final grievance action, the grievance hearing.

*Internal Grievance Meeting*—that existing grievance process in place within a provider service agency as mandated by applicable licensing standards. This grievance process involves, at a minimum, the consumer of a contested service and a consumer representative (unless waived) available to assist the consumer and the provider of that service. The initial grievance action is the necessary first step in any grievance action.

*Mediator*—that person who conducts an informal (optional) grievance proceeding to ensure the impartiality and adequacy of the process. The mediator in an informal (optional) grievance meeting shall be appointed by the assistant secretary of the Office for Citizens with Developmental Disabilities.

*Mental Retardation and Developmental Disabilities Services*—program and assistance for mentally retarded or developmentally disabled persons that include, but are not limited to, information and referral services, case management services, diagnosis and evaluation services, generic service plan development services, family support services, health services, educational services, therapies and habilitation services, vocational services, transportation services, recreation and leisure services, special olympics services respite services, infant intervention services and adult day services.

*Responsible Person*—the consumer of MR/DD services, his/her legally appointed representative or a person authorized by the consumer to act on his/her behalf.

*Stay-put Order*—a directive to a provider/contractor of MR/DD services funded by the Department of Health and Hospitals which requires that existing services be maintained during the period from notification to resolution of an expedited review of a grievance placed by a consumer receiving those services. A "stay-put order" may be issued at the discretion of the secretary of the Department of Health and Hospitals and in concert with an expedited review grievance hearing. The referral for a "stay-put order" shall originate from the assistant secretary of the Office for Citizens with Developmental Disabilities upon notification from the agency administrator of a consumer's desire for an expedited review of a grievance involving actions or proposed actions which could effect the physical safety and/or well-being of consumers of MR/DD services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:441(A)-(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 22:

### **§1109. Rights of Consumers in the Grievance Process**

A. Any consumer of an MR/DD service or a person legally appointed or authorized by the consumer to act on his/her behalf has the right to grieve the provision of or the circumstances of delivery of MR/DD services through a range of grievance processes. Recipients of Medicaid services are afforded restricted appeal rights as determined by that agency.

B. A grievance cannot be registered on the basis of denial of services for services for which eligibility or level of availability is restricted by a funding authority external to the agency providing the MR/DD service.

C. Any consumer who wishes to register a grievance shall have a "consumer representative" available for assistance in pursuing any grievance unless that consumer signs a statement or otherwise indicates a desire to waive that right. Any consumer registering a grievance shall be offered the services of a consumer representative at each stage of the grievance process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:441(A)-(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 22:

### **§1111. Provider Responsibilities in the Grievance Process**

A. All providers/contractors of MR/DD services funded by the Department of Health and Hospitals are mandated to maintain internal procedures for handling grievances; additionally, those procedures must comply with all conditions and time-lines expressed in this document and shall be available for review by consumers and their representatives.

B. All providers/contractors of MR/DD services funded by the Department of Health and Hospitals shall participate in the full range of grievance processes.

C. All providers/contractors of MR/DD services funded by the Department of Health and Hospitals shall designate its administrator (or his/her designee) as the single contact person to provide for grievance processes, who shall:

1. receive all grievances; and,
2. assure, by appointment if necessary, that a consumer representative is available to the consumer to assist with all aspects of the initial and any subsequent grievances; and,
3. Notify the assistant secretary of the Office for Citizens with Developmental Disabilities (or his/her designee) of the initiation of and eventual disposition of all grievance processes.

D. A consumer representative shall be chosen by the consumer or appointed by the provider of MR/DD services immediately upon notification that a consumer contests an action unless the consumer waives that right by signing a statement or in some other way indicating a desire to waive that assistance. Failure to adequately assist a consumer of services in pursuing a grievance process is grounds for sanction, including, but not limited to, termination of funding by the Department of Health and Hospitals.

E. The provider of a contested service must provide the consumer with a formal response to the grievance.

F. Failure to comply with the condition of this policy shall be grounds for sanction including, but not limited to, termination of funding by the Department of Health and Hospitals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:441(A)-(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 22:

### **§1113. Notification and Documentation of Grievance Rights**

A. All providers/contractors of MR/DD services funded by the Department of Health and Hospitals shall be responsible for notification to the consumer of service of his/her right to bring a grievance

1. Notifications of grievance rights shall be done both verbally and in writing and the consumer and/or responsible individuals shall confirm receipt of such notification in writing; providers shall be responsible for maintaining adequate documentation.

2. Notifications of grievance rights shall include clear instructions on how to begin the grievance, applicable time-lines and the name and telephone number of the person to be contacted to initiate a grievance.

B. All providers/contractors of MR/DD services funded by the Department of Health and Hospitals shall be responsible for notification to the consumer, in an accessible form, of the availability of assistance from the Advocacy Center for the Elderly and Disabled. Contact information shall be displayed in an easily accessible area and shall be provided upon request by the consumer or his/her responsible individual.

C. All providers/contractors of MR/DD services funded by the Department of Health and Hospitals shall be responsible for notifying consumers of their grievance rights and options for assistance at the point of:

1. determination of eligibility for MR/DD services; or
2. admission into the MR/DD services system (a request for services and/or being placed on a waiting list does not constitute admission into a service);
3. development or alteration of the MR/DD service plan whether the change in service plan is a routing update or reflects significant changes in services. Signatures on the service plan can be used to verify notification of grievance rights but shall not constitute a waiver of those rights; or
4. termination of services; or
5. transfer of responsibilities for service delivery among service providers or practitioners; or
6. conclusion of an internal grievance meeting or informal (optional) grievance meeting.

D. All provider/contractors of MR/DD services funded by the Department of Health and Hospitals shall notify the assistant secretary of the Office for Citizens with Developmental Disabilities of the initiation and eventual disposition of all grievances within time-lines established in §1115 below.

E. All providers/contractors of MR/DD services funded by the Department of Health and Hospitals shall maintain records of internal grievance meetings for a period of three years from the time of their occurrence and shall make these records available to the department upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:441(A)-(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 22:

#### **§1115. Filing Grievances**

A. Grievance processes are initiated by consumers or the consumer's legally appointed representatives or persons authorized to act on the consumer's behalf. Verbal notification, in the absence of subsequent written confirmation, with or without the assistance of a consumer representative, shall not be adequate to convene a grievance process.

B. A grievance must be filed within 10 working days of initiation or written notification of an intended action for which a service provider has direct control and responsibility. A grievance for denial of service cannot be filed when the denial is based on eligibility requirements established by or at a level of availability restricted by an external funding authority. When that denial or restriction on availability of services is imposed by the Medicaid agency, Medicaid Fair Hearing procedures apply.

C. Upon a consumer's indication that a service provision or action is not satisfactory, the provider of MR/DD services must act immediately to appoint a consumer representative to assist the consumer in completing the grievance process.

1. Consumer representatives (unless formally waived by the consumer) assist the consumer in initiating and continuing a grievance as necessary.

2. Consumer representatives must represent the wishes of the consumer.

D. The consumer or his/her legally appointed representative or person authorized to act on his/her behalf may assist the consumer by filing a written notice to the provider/contractor of MR/DD service funded by the Department of Health and Hospitals, and the assistant secretary of the Office for Citizens with Developmental Disabilities within 10 working days of initiating an action or notification of an action to which the consumer objects.

E. The assistant secretary of the Office for Citizens with Developmental Disabilities (or his/her designee) will receive copies of all requests for grievance actions and shall make the determination of whether referral for investigation or resolution should proceed to agencies in addition to the provider of the contested service.

F. The provider of the contested service shall have 10 working days from notification from a consumer that a service provision or action is not satisfactory to convene the internal grievance meeting.

G. Within five working days of any internal grievance meeting, the agency administrator shall notify, in writing, the assistant secretary of the Office for Citizens with Developmental Disabilities (or his/her designee) of the disposition of the grievance, which notification shall include documentation that the consumer has participated in the process.

H. If the agency administrator's written notification indicates the consumer desires to pursue the grievance, the assistant secretary of the Office for Citizens with Developmental Disabilities (or his/her designee) shall contact the consumer, within five working days, to offer the consumer the choice of an informal (optional) grievance meeting or grievance hearing. All parties shall be provided written confirmation of the results of that meeting.

1. If the consumer desires an informal (optional) grievance meeting, the assistant secretary of the Office for Citizens with Developmental Disabilities shall convene that meeting within 10 working days.

a. The results of that effort shall be provided to all parties, in writing, within five working days.

b. If the consumer is not satisfied and desires a grievance hearing the assistant secretary of the Office for Citizens with Developmental Disabilities shall notify the secretary of the Department of Health and Hospitals within five working days that a grievance hearing is to be convened.

2. If the service or action which the consumer desires to grieve is funded through the Medicaid agency and is a service or action which that agency has determined to be appealable, the assistant secretary of the Office for Citizens with Developmental Disabilities shall refer the grievance request to the Department of Health and Hospitals Fair Hearing section.

I. If the agency administrator fails to provide the assistant secretary of the Office for Citizens with Developmental Disabilities (or his/her designee) with written verification that the consumer does not seek further grievance relief within five working days of the internal grievance meeting, the assistant secretary (or his/her designee) shall contact the consumer to offer the option of an informal grievance meeting to mediate the disagreement or a grievance hearing. Refer to §1113.D.

1. If the consumer desires an informal (optional) grievance meeting, the assistant secretary of the Office for Citizens with Developmental Disabilities shall convene that meeting within 10 working days.

2. The results of that mediation effort shall be provided to all parties, in writing within five working

days.

3. If the consumer is not satisfied and/or desires a grievance hearing, the assistant secretary of the Office for Citizens with Developmental Disabilities shall notify the secretary of the Department of Health and Hospitals within five working days that a grievance hearing is to be convened.

J. Unless the assistant secretary of the Office for Citizens with Developmental Disabilities (or his/her designee) receives written notification within 15 working days of an internal grievance meeting or informal (optional) grievance meeting (if such has been convened) that the consumer does not desire further grievance action, the assistant secretary of the Office for Citizens with Developmental Disabilities shall notify the secretary of the Department of Health and Hospitals of a need to convene a grievance hearing.

K. The secretary of the Department of Health and Hospitals (or his/her designee) shall convene a grievance hearing within 15 working days of notification by the assistant secretary of the Office for Citizens with Developmental Disabilities (or his/her designee) of the need to do so; a final written decision shall be provided all involved parties within five working days of the grievance hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:441(A)-(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 22:

#### **§1117. Participants in Grievance Processes**

A. Grievance processes are to be conducted by the persons who are impartial to the outcome and who have had no direct participation in the denial or delivery of the contested service or in the evaluation of the grievance.

B. Grievance processes must involve, at a minimum, the consumer of the contested service and a consumer representative (unless waived) available to represent the wishes of the consumer who may participate in the process at the option of the consumer, the provider of the contested service and an individual who conducts an internal grievance meeting, acts as a mediator in an internal (optional) grievance meeting, or a grievance officer in a grievance hearing.

C. At the discretion of the assistant secretary of the Office for Citizens with Developmental Disabilities or the secretary of the Department of Health and Hospitals, designees can be directed to observe any grievance meeting and/or participate as mediators in grievance processes at any time upon the consumer's request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:441(A)-(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 22:

#### **§1119. Grievance Procedures**

A. All grievances must be addressed first in an internal grievance meeting composed of, at a minimum, the consumer of the contested service and a consumer representative (unless waived) acting in accordance with the wishes of the consumer, the provider of the contested service and an individual who conducts the meeting.

B. A consumer may pursue a grievance not resolved at an internal grievance meeting by engaging in mediation at an informal (optional) grievance meeting with participation of, at a minimum, the consumer of the contested service and a consumer representative (unless waived) acting in accordance with the wishes of the consumer, the provider of the contested service and a mediator appointed by the assistant secretary of the Office for Citizens with Developmental Disabilities.

C. A consumer may pursue a grievance not resolved at an internal grievance meeting or an informal (optional) grievance meeting, by engaging a grievance hearing with participation of, at a minimum, the consumer of the contested service and a consumer representative (unless waived) acting in accordance with the wishes of the consumer, the provider of the contested service and a grievance officer designated by the secretary of the Department of Health and Hospitals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:441(A)-(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 22:

#### **§1121. Conduct of the Grievance Process**

A. Grievance processes shall be conducted at a time and place and under circumstances reasonably convenient to the consumer of the contested service, the provider of the service and other involved parties.

B. Involved parties in grievance processes shall have the right to bring evidence in support of their position; each shall have the right to question the evidence brought in support of the opposing position.

C. The mediator or grievance officer, as appropriate, shall be responsible for maintaining an adequate record of the proceeding which shall be made available to all principals in the proceedings. This record shall contain at a minimum:

1. the date and time the grievance notification was received by the provider of MR/DD services and the name, date and time of the offer of consumer representative;
2. the name of the consumer bringing the grievance and all parties providing evidence on his/her behalf;
3. the name of the provider involved in the grievance and all parties providing evidence on his/her

behalf;

4. a brief statement of the nature of the grievance, including information offered as evidence;
5. a brief narrative of the process, including issues discussed;
6. a summary of the alternative offered by both parties to resolve the issue in contention, the parties which proposed such alternatives, and whether or not such suggestions were accepted or rejected and why;
7. the conclusions of the grievance process, briefly stating any and all resolutions achieved; and,
8. a tape recording of the proceeding.

D. The consumer and/or his/her consumer representative may withdraw a grievance at any point by written notification to the provider against whom the grievance was placed and by assistant secretary of the Office for Citizens with Developmental Disabilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:441(A)-(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 22:

### **§1123. Time Limitations for Grievance Processes**

A. A consumer may grieve at any time about the provision of on-going MR/DD services.

B. At least 10 working days prior notification must be provided to the consumer by all provider/contractors of MR/DD services funded through the Department of Health and Hospitals of an intent to take an action considered grievable as defined in §1107.

C. The consumer has 10 working days to file a request for a grievance process from the time a provider notifies him/her that a change in MR/DD services is planned or from the time that a grievable action as defined in §1107 is initiated.

D. As soon as possible but in no case later than the next working day after notification, verbal or otherwise, of a consumer's intent to file a grievance action, the provider of MR/DD services must designate a consumer representative to assist the consumer in pursuit of the grievance.

E. As soon as possible but in no case later than the next working day after the grievance request is received, the provider/contractor against whom a grievance is directed shall provide written notification of that action to the assistant secretary of the Office for Citizens with Developmental Disabilities (or his/her designee).

F. Within the 10 working days of notification to the provider of a contested service, an internal grievance meeting must be convened.

G. Within five working days of an internal grievance meeting, the administrator of the agency against which a grievance has been filed shall provide written notification to the consumer and the provider of the contested service. The agency administrator shall then provide a written report to the assistant secretary of the Office for Citizens with Developmental Disabilities which shall include the outcome of the internal grievance meeting and a statement of whether the consumer wishes to pursue further action.

H. If the consumer is not satisfied with the resolution of the internal grievance meeting and indicates a wish to pursue further grievance action, the assistant secretary of the Office for Citizens with Developmental Disabilities (or his/her designee) shall:

1. contact the consumer within five working days to offer an opportunity to engage an informal (optional) grievance proceeding to mediate the dispute with the provider of MR/DD services or a formal grievance hearing;

2. notify the secretary of the Department of Health and Hospitals (or his/her designee) within five working days that the consumer wishes to engage a formal grievance hearing if such is the case.

I. Within 20 working days of verification from the consumer or his/her designated consumer representative that he/she wishes to pursue additional grievance process of a contested service, a grievance hearing must be convened if:

1. an internal grievance meeting and/or informal (optional) grievance meeting has not been resolved to their satisfaction of the consumer, and the consumer indicates that he/she wishes to pursue a grievance hearing; and/or,

2. the provider/contractor of MR/DD services fails to provide notification that the grievance has been resolved at the internal grievance meeting.

J. Within 10 working days of verification from the consumer or his/her appointed consumer representative of the desire to pursue an informal (optional) grievance meeting, the assistant secretary of the Office for Citizens with Developmental Disabilities (or his/her designee) will convene the informal (optional) grievance meeting.

K. Within 15 working days of verification from the assistant secretary of the Office for Citizens with Developmental Disabilities (or his/her designee) that the consumer or his/her designated consumer representative desires to pursue a grievance hearing, the secretary of the Department of Health and Hospitals (or his/her designee) must convene the grievance hearing.

L. The secretary of the Department of Health and Hospitals (or his/her designee) may cancel the informal (optional) grievance meeting with appropriate notifications to involved parties should the assistant secretary of the Office for Citizens with Developmental Disabilities (or his/her designee) provide notification that the

grievance has been resolved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:441(A)-(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 22:

**§1125. Special Provisions**

A. All providers/contractors of MR/DD services to individuals which are funded by the Department of Health and Hospitals must provide written notification to the consumer of their intent to discharge or transfer them from their services.

B. Upon the request of the consumer or consumer representative or the assistant secretary of the Office for Citizens with Developmental Disabilities and at the discretion of the secretary of the Department of Health and Hospitals, a "stay-put" provision may be invoked to prevent the termination, discharge or other interruption of services pending resolution of a grievance process.

C. Upon the request of the consumer or consumer representative, or the assistant secretary of the Office for Citizens with Developmental Disabilities and at the discretion of the secretary of the Department of Health and Hospitals, immediate action may be taken to provide an expedited review of a grievance hearing for actions listed in §1107.

D. Failure of provider/contractor of MR/DD services funded through the Department of Health and Hospitals to comply with the provision of this policy may result in the application of sanctions, including, but not limited to, termination of funding by the Department of Health and Hospitals.

E. A consumer may request an expedited review of an intended action and/or a "stay-put" order (as outlined in §1107) by submitting that request to the assistant secretary of the Office for Citizens with Developmental Disabilities to request a grievance hearing to by-pass the informal (optional) grievance process and shorten the time-lines within which a grievance hearing must be held. The time-line for an expedited review shall be determined by the secretary of the Department of Health and Hospitals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:441(A)-(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 22:

Interested parties may submit data, views, comments or arguments on the proposed rule to: Rosemary I. Estes, Deputy Assistant Secretary, Office for Citizens with Developmental Disabilities, Box 3117, Baton Rouge, LA 70804-3117. She is responsible for responding to inquiries regarding this proposed rule.

A public hearing will be held on this matter at 9 a.m., on Friday, March 29, 1996, in the first floor auditorium of the Department of Transportation and Development, 1201 Capitol Access Road, Baton Rouge, LA. At that time, all interested parties will be afforded an opportunity to submit comments, orally or in writing. The deadline for receipt of all comments is 4:30 p.m. on the day of the public hearing.

Rose V. Forrest  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Consumer Grievance Policy**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is estimated that there will be no implementation costs (savings) to state or local governmental units.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is estimated that there will be no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

It is estimated that there will be no costs and/or economic benefits to directly affected persons or nongovernmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

It is estimated that there will be no effect on competition and employment from this rule.

Bobby P. Jindal  
Secretary  
9602#063

Richard W. England  
Assistant to the  
Legislative Fiscal Officer